

REQUEST FOR QUALIFICATIONS

IDAHO TRANSPORTATION DEPARTMENT

SH-44, Linder Road to Ballantyne Lane

Project No. A013(059)

Key No. 13059

GENERAL INSTRUCTIONS

Thursday, March 15, 2012

Addendum 1 – April 4, 2012

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TABLE OF CONTENTS

1.0	INTRODUCTION AND GENERAL INFORMATION	1
1.1	ABBREVIATIONS AND DEFINITIONS	1
1.1.1	Abbreviations	1
1.1.2	Definitions	1
1.2	PROJECT GOALS	4
1.3	ROLE OF THE DEPARTMENT	4
1.4	PROJECT DESCRIPTION, DESIGN-BUILD FIRM RESPONSIBILITIES, AND PROJECT STATUS	4
1.5	PROJECT SCHEDULE	4
1.6	CONTRACT TYPE	5
1.7	QUALITY PROGRAM	5
1.8	INSURANCE, BONDING, LICENSING, AND SECURITIES	6
1.9	RULES OF CONTACT	6
1.10	ORGANIZATIONAL CONFLICTS AND INELIGIBLE FIRMS	7
1.11	PRE-SOQ INFORMATIONAL MEETINGS	7
1.12	PROPOSER QUESTIONS	8
1.13	RFQ ADDENDA	8
1.14	NOTIFICATION OF FIRMS ON THE SHORT-LIST	8
1.15	COSTS	8
1.16	ORGANIZATIONAL AND CONFIDENTIALITY REQUIREMENTS	8
1.17	PROPOSAL STIPEND	9
2.0	PROCUREMENT PROCESS	9
2.1	PROCUREMENT SCHEDULE	10
3.0	EVALUATION PROCESS FOR THE SOQ	10
3.1	EVALUATION OBJECTIVES	10
3.2	REVIEW AND EVALUATION OF THE SOQ	10
3.3	EVALUATION FACTORS FOR THE RFQ/SOQ	11
3.3.1	Pass/Fail Evaluation Factors	
3.3.2	SOQ Evaluation Factors	11
3.4	REQUESTS FOR CLARIFICATION	12
3.5	DETERMINATION OF THE SHORT-LIST	12
3.6	CHALLENGE	13

4.0	SOQ SUBMITTAL REQUIREMENTS	13
4.1	DATE AND TIME OF RECEIPT.....	13
4.2	SUBMITTAL ADDRESS	13
4.3	PAGE LIMIT, FORMAT, AND QUANTITIES	13
4.4	CONTENT OF SOQ	13
4.4.1	Pass/Fail Evaluation Objectives and Submittal Requirements.....	
4.4.2	SOQ Evaluation Objectives and Submittal Requirements	
5.0	PROTESTS.....	20
6.0	DEPARTMENT RIGHTS AND DISCLAIMERS.....	20
6.1	DEPARTMENT RIGHTS.....	20
6.2	DEPARTMENT DISCLAIMERS	21
7.0	DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY	22
7.1	POLICY	22
7.2	DBE PARTICIPATION GOAL.....	22
7.3	EQUAL EMPLOYMENT OPPORTUNITY	22
8.0	COMPLIANCE WITH APPLICABLE LAWS.....	22

APPENDICES

APPENDIX A - PROJECT DESCRIPTION, DESIGN-BUILD FIRM RESPONSIBILITIES, AND
PROJECT STATUS

APPENDIX B - FORMAT AND ORGANIZATION OF STATEMENT OF QUALIFICATIONS

APPENDIX C - RFQ FORMS

1.0 INTRODUCTION AND GENERAL INFORMATION

This Request for Qualifications (RFQ) seeks Statements of Qualifications (SOQ) from Proposers to design, construct, and perform other identified activities for the SH-44, Linder Road to Ballantyne Lane Project.

SOQs will be accepted only from Proposers that have assembled a team capable of providing all services and improvements required under the Contract. Responses from individual engineering, construction, or consultant firms not prepared to provide all required services and improvements will be considered by the Department as unresponsive.

1.1 ABBREVIATIONS AND DEFINITIONS

The following abbreviations and capitalized terms used in this RFQ have the meanings indicated below.

1.1.1 Abbreviations

CFR	Code of Federal Regulations
DB	Design-Build
DBE	Disadvantaged Business Enterprise
EEO	Equal Employment Opportunity
NTP	Notice to Proceed
QA	Quality Assurance
QC	Quality Control
RFP	Request for Proposals
RFQ	Request for Qualifications
SOQ	Statement of Qualifications

1.1.2 Definitions

“Addenda/Addendum” means supplemental additions, deletions, and modifications to the provisions of the RFQ after the advertisement date of the RFQ.

“Affiliate” means:

- A) Any Person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Proposer or any Major Participant ; or
- B) Any Person for which 10% or more of the equity interest in such Person is held directly or indirectly, beneficially or of record, by:
 - 1) The Proposer;
 - 2) Any Major Participant ; or
 - 3) Any Affiliate under part (A) of this definition.

For purposes of this definition, the term “control” means the possession, directly or indirectly, of the power to cause the direction of the management of a Person, whether through voting securities, by contract, by family relationship, or otherwise.

“Award” means the Department’s acceptance of a Design-Build Firm’s Proposal.

“Best Value Selection” means any selection process in which proposals contain both price and qualitative components and award is based upon a combination of price and qualitative considerations.

“Contract” means the written agreement between the Department and the Design-Build Firm setting forth the obligations of the parties with respect to the Project, including, but not limited to, the performance of the Work, the furnishing of labor and materials, and the basis of payment. The Contract will include the Contract Documents and any amendments, supplemental agreements, and change orders that are required to complete the design and construction of the Work in an acceptable manner.

“Contract Documents” means the form of contract, general provisions, design criteria, performance specifications, special provisions, utility requirements, engineering data, the Department’s Standard Specifications and Standard Drawings, some or all of the Design-Build Firm’s Proposal, any Addenda to the Specifications, and all provisions required by law to be inserted in the Contract, whether actually inserted or not. Whenever separate publications or the Department’s Standard Specifications are referenced in the Contract Documents, it is understood to mean the publication and/or Specifications, as amended, which are current on the date of advertisement, unless otherwise noted.

“Department” means the Idaho Transportation Department.

“Department’s Engineer (Engineer)” means the engineer representing the Department and having direct supervision of the administration and execution of the Contract under the direction of the District Engineer.

“Design-Build (DB)” means a project delivery methodology by which the Department contracts with a single firm that has responsibility for the design and construction of a project under a single Contract with the Department.

“Design-Build Firm” means a sole proprietorship, partnership, limited liability partnership, joint venture, corporation, any type of limited liability company, professional corporation or legal entity qualified to design and build highway projects.

“Disadvantaged Business Enterprise (DBE)” means a for-profit small business concern as defined in 49 CFR Part 26.

“Final Acceptance” means written confirmation by the Department that the Project has been completed in accordance with the Contract, with the exception of latent defects and warranty obligations, if any, and has been accepted.

“Independent Assurance” means an unbiased and independent evaluation of all the sampling and testing procedures and equipment calibration. The Independent Assurance for the Project will be performed by the Department or the Department’s representative.

“Lead Participant” means the Major Participant who is designated by the Proposer as having the lead responsibility of managing the Proposer’s organization.

“Major Participant” means any of the following entities:

1. All general partners or joint venture members of the Design-Build Firm.
2. All individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or other legal entity, however organized, holding (directly or indirectly) a 20 percent or greater interest in the Design-Build Firm.
3. The lead engineering/design firm(s).

“Oversight” means all actions by the Department necessary to provide confidence that all material is incorporated in the Work, the Work complies with the Contract, and all equipment and all elements of the Work will perform satisfactorily for the purpose intended. Actions include, but are not limited to: spot audits, verification tests, and sampling checks and reviews of the Design-Build Firm’s QC. “Oversight” also includes the Department’s Independent Assurance and the Engineer’s written acceptance of final inspection and Final Acceptance.

“Person” means any individual, corporation, partnership, sole proprietorship, joint stock company, joint venture, unincorporated association, union, committee, club, or other organization or legal entity.

“Project” means the improvements to be designed and constructed by the Design-Build Firm and all other Work to be provided by the Design-Build Firm in accordance with the Contract Documents.

“Proposal” means the proposal submitted by the Proposer in response to the Request for Proposals (RFP), including any revisions thereto.

“Proposer” means a Person submitting a Statement of Qualifications (SOQ) for the Project in response to this RFQ.

“Quality Assurance (QA)” means all activities that are performed by the Department, or its representatives, in the process of accepting the Design-Build Firm’s work product and determining compliance with the Contract. Quality Assurance includes design checks and reviews; specification compliance reviews; inspection of construction for conformance to the Contract; materials testing for conformance to the specifications; acceptance or rejection of design or construction products provided by the Design-Build Firm; and documentation of all activities.

“Quality Control (QC)” means all activities that are performed by the Design-Build Firm, its subconsultants, subcontractors, suppliers, or manufacturers to ensure that a product meets Contract requirements. QC includes design reviews and checks, inspection of material handling and construction, calibration and maintenance of sampling and testing equipment, working plan review, document control, production process control, and any inspection, sampling, and testing done for these purposes. Quality Control also includes documentation of QC efforts.

“Quality Program” means the overall QC, QA, Oversight, and associated activities performed by the Design-Build Firm and the Department and their interrelationships to ensure that all Work complies with the Contract.

“Reference Documents” means the documents provided with and so designated in the RFP. The Reference Documents are provided to the Design-Build Firm for informational purposes.

“Request for Proposals (RFP)” means a document used to solicit proposals from Design-Build Firms to design and construct a highway project. The RFP includes the Instructions to Proposers (ITP), Contract Documents, and Reference Documents. The RFP is issued only to Persons who are on the Short-List.

“Request for Qualifications (RFQ)” means a document issued by the Department as the first step of a two-step selection process that describes the project in enough detail to let potential Design-Build Firms determine if they wish to compete. The RFQ forms the basis for developing a Short-List of the most qualified Design-Build Firms.

“Substantial Completion” means the project is complete to the point that the traveling public can safely use the improvements without further delays, disruption, or impediments. For conventional bridge and highway work, substantial completion is when all bridge deck, parapet, pavement structure, shoulder, permanent signing and markings, traffic barrier, and safety appurtenance work is complete.

“Short-List” means the list of those Proposers that have submitted SOQs that the Department determines, through evaluation of the SOQs, are the most highly qualified Persons and will be invited to submit Proposals in response to an RFP.

“Statement of Qualifications (SOQ)” means the information prepared and submitted by a Proposer in response to this RFQ.

“Stipend” means a monetary amount that may be paid to unsuccessful Design-Build Firms who have submitted responsive Proposals in response to an RFP. The purpose of a Stipend is to encourage competition by offering to compensate responsive but unsuccessful Design-Build Firms for a portion of the Proposal development costs.

“Work” means the furnishing of all labor, material, equipment, and other incidentals necessary or convenient to the successful completion of the Project and the carrying out of all the duties and obligations imposed by the Contract on the Design-Build Firm.

1.2 PROJECT GOALS

The Department’s goals for the project are:

- (a) Achieve rapid initiation and timely completion of construction.
- (b) Achieve quality of design and construction equal to or better than traditional design-bid-build.
- (c) Minimize impacts and inconvenience to the traveling public.
- (d) Achieve best-value and deliver the project within budget.
- (e) Successful delivery of the Department’s first design-build project.

1.3 ROLE OF THE DEPARTMENT

In the context of the Project, the Department is responsible for:

- (a) Obtaining the appropriate environmental clearances and permits except those specifically assigned to the Design-Build Firm;
- (b) Obtain appropriate agreements including utility, irrigation, and railroad agreements except those specifically assigned to the Design-Build Firm;
- (c) Overall program administration;
- (d) Preparation of the RFQ and RFP, evaluation of SOQs and Proposals, determination of the Short-List and selection of the Design-Build Firm;
- (e) Contract procurement and administration;
- (f) Quality Assurance, Oversight and auditing of Design-Build Firm design and construction;
- (g) Providing all information and data included in the RFQ and RFP;
- (h) Land acquisition for rights-of-way and easements except for those specifically assigned to the Design-Build Firm; and
- (i) Review and comment, Final Acceptance of the Work, and payment for the Work performed.

As permitted by law and at the Department’s sole discretion, it may use its consultants in fulfilling the responsibilities noted in this Section 1.3.

1.4 PROJECT DESCRIPTION, DESIGN-BUILD FIRM RESPONSIBILITIES, AND PROJECT STATUS

The Design-Build Firm’s obligations include all activities required to develop, design, and construct the Project in accordance with the requirements of the Contract Documents. No less than thirty (30) percent of the Contract shall be performed directly by the Design-Build Firm. See Appendix A (Project Description, Design-Build Firm Responsibilities, and Project Status) for detailed information.

1.5 PROJECT SCHEDULE

The anticipated time of contract award is September 2012.

The anticipated Substantial Completion date is December 2013.

See Section 2.1 for the procurement schedule.

1.6 CONTRACT TYPE

The Contract will be a fixed-price, lump-sum Design-Build Contract.

1.7 QUALITY PROGRAM

The Design-Build Firm will be required to develop, implement, and maintain a Quality Program for the Work. The Quality Program shall detail how the Design-Build Firm will establish and operate its Quality Program ~~management structure, independent from design and construction,~~ and document its procedures pertaining to all aspects of the Work listed below. The Quality Program shall be established and maintained by the Design-Build Firm so as to provide a Department-auditable system that assures the Design-Build Firm complies with all Contract requirements pertaining to at least the following general areas of the Work:

- **Contract administration** (DBE, subcontracts, certified payrolls, etc.)
- **Project progress** (Project schedule maintenance and reporting, schedule revisions, as-constructed schedule upkeep, etc.)
- **Contract payments** (verify and certify that pay requests accurately reflect completed work and that completed work quality and quantity is substantiated with required material certifications, test results, and inspection records, payments to subcontractors and suppliers etc.)
- **Environmental issues** (permit requirements, mitigation requirements, environmental construction compliance, etc.)
- **Design requirements** (design standards, procedures, reviews, changes after request for change, required design documents, as-constructed drawings, etc.)
- **Construction inspection** (procedures, protocols, staffing, assignments, reports, documentation)
- **Field-tested and non-field tested materials** (procedures, protocols, documentation in accordance with the Department's Quality Assurance Manual and the Contract)

The Quality Program must provide information and documented procedures and protocol on all relevant Work aspects, including the following:

- (a) Staffing and communication organization chart, personnel, certifications, duties
- (b) Design checking, formal design reviews, changes to plans
- (c) Field inspection, records and documentation, non-compliance, resolutions
- (d) Management of field-tested materials, quality records, and documentation management, ~~communications with Department Quality Assurance~~
- (e) Management of non-field tested materials, certifications, documentation management
- ~~Changes to approved designs prior to or during construction~~
- (f) Tracking planned and completed to date quantities
- (g) Project progress, project schedules and updates, progress payment requests
- (h) Safety, traffic management, DBE, subcontractor and labor compliance issues
- (i) Change management - changes during both design and construction
- (j) Non-Conformance - process for handling non-conformances in both design and construction
- ~~Audit Process—process for handling both internal and external audits for design and construction~~
- ~~Adjustments—escalation/de-escalations, statistical analysis of materials~~
- ~~Bonus payments, price reductions~~

(k) Documentation controls and Project Contract administration

(l) All other areas the Department or Design-Build Firm determines are necessary to provide a satisfactory and appropriate method of assuring that project quality meets the requirements of the Contract

The Department may perform inspections and audits of the Design-Build Firm's management, design, construction, and work products, and performance of the quality plan.

1.8 INSURANCE, BONDING, LICENSING, AND SECURITIES

Proposers on the Short-List submitting a Proposal will provide proposal bonds or other form of security acceptable to the Department in the amount shown in Subsection 4.4.1.3. The Design-Build Firm will be required to provide performance and payment bonds and/or other security acceptable to the Department as provided in the RFP.

All persons participating in this procurement and/or the Contract must obtain all licenses and permits and take all necessary steps to conduct business in the State of Idaho and perform the work required under the Contract, including proposing and carrying out contracts consistent with the laws of the State of Idaho. For Federal-aid projects, Federal laws take precedence over the laws of the State of Idaho when in conflict.

1.9 RULES OF CONTACT

The following rules of contact apply during the period between issuance of the RFQ and issuance of the RFP. These rules are designed to promote a fair, unbiased, legally defensible procurement process. Contact includes face-to-face, telephone, e-mail, and formal written communications.

A) The Department's designated point of contact regarding the Contract procurement is:

Attn: Amy Schroeder, P.E., Innovative Contracting Manager
Idaho Transportation Department
3311 W. State Street, Boise Idaho 83703
P.O.Box 7129, Boise Idaho 83707-1129
Amy.Schroeder@itd.idaho.gov

B) Submit the Proposer's Single Point of Contact information (Form Z, Appendix A), preferably within 5 business days of RFQ posting, to identify a single party responsible to receive documents, communications, and notices relating to this procurement. If the Proposer's Single Point of Contact is changed at any time during the procurement, resubmit Form Z with the revised information. Failure by the Proposer to identify a Single Point of Contact in writing may result in Proposer failing to receive important communications from the Department and cause the SOQ to be deemed non-responsive. The Department is not responsible for any such failure.

This form is not intended to commit teaming arrangements as they may not have been formalized at this early stage. Non-submittal of the form does not preclude any Proposers from submitting an SOQ, but information distributed by the Department during the RFQ process may be hindered for those Proposers.

C) The specific rules of contact are as follows:

1. Proposer and its team members shall not communicate with another Proposer or its team members with regard to this RFQ or either team's SOQ, with two exceptions:

- a. Subcontractors that are shared between two or more Proposer teams may communicate with their respective team members, so long as those Proposers establish a protocol to ensure that the Subcontractor will not act as a conduit of information between the teams; and
 - b. Contact among Proposer teams is allowed during Department-sponsored informational meetings.
2. The Proposers shall correspond with the Department regarding this RFQ only through the Department's designated point of contact and the Proposer's single point of contact.
3. Proposers may not contact Department employees (including department heads, members of the evaluation committee[s], and any official who will participate in the decision to award the Contract) regarding the Project, except through the process identified above.
4. Any communication determined to be improper may result in disqualification, at the sole discretion of the Department.
5. Any official information regarding the Project will be disseminated from the Department on Department letterhead and signed by the Department designated point of contact.
6. The Department will not be responsible for or bound by any oral exchange or any other information or exchange that occurs outside the official process specified herein.
7. Neither a Proposer nor its agents shall contact any employees of:
 - a) Idaho Transportation Department, other than as allowed in this section
 - b) Ada County Highway District
 - c) CH2M Hill, Inc.

1.10 ORGANIZATIONAL CONFLICTS AND INELIGIBLE FIRMS

- A) Proposers are responsible for being aware of and complying with the requirements of 23 CFR 636.116, Idaho Code § 40-904(13), and the Conflict of Interest Guidelines (Appendix C).
- B) The Proposer is prohibited from receiving any advice or discussing any aspect relating to the Project or the procurement of the Contract with any person with an organizational conflict of interest. Proposers must include a full disclosure of all potential organizational conflicts of interest in Section 1 of their SOQ.
- C) Each of the following circumstances are deemed an organizational conflict of interest disqualifying the affected Proposers:
 - 1) Participation by any Major Participant on more than one Proposer's team.
 - 2) Participation by an Affiliate of a Major Participant on another Proposer's team.Any Proposer affected by the conflict of interest will be disqualified, even if a Proposer is unaware of the conflict of interest.
- D) By submitting its SOQ, each Proposer agrees that, if an organizational conflict of interest is thereafter discovered, the Proposer must make an immediate and full written disclosure to the Department that includes a description of the action that the Proposer has taken or

proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the Department may, at its discretion, cancel the Contract. If the Proposer was aware of an organizational conflict of interest prior to the award of the Contract and did not disclose the conflict to the Department, the Department may terminate the Contract for default.

- E) The following firms are members of the Department program management team that have assisted with this procurement and therefore cannot participate on any Proposer team:

1) CH2M Hill, Inc.

1.11 PRE-SOQ INFORMATIONAL MEETINGS

The date of the Pre-SOQ Informational Meeting is located in Section 2.1.

1.12 PROPOSER QUESTIONS

The Department will consider questions submitted in writing by Proposers regarding the RFQ, including requests for clarification and requests to correct errors. All such requests must be submitted in writing to the Department's point of contact identified in Section 1.9 no later than the date specified in Table 2.1 (Procurement Schedule). All requests must be written on Form Q, Proposer's Question Request (Appendix C). No oral requests will be considered. No requests for additional information or clarification to any other Department office, consultant, employee or agency will be considered. A response to questions will be issued without specific attribution and posted on the project's website. Questions received after these dates may or may not be responded to, at the sole discretion of the Department.

1.13 RFQ ADDENDA

If necessary, the Department will issue Addenda to modify conditions or requirements of this RFQ to recipients of this RFQ not later than seven calendar days prior to the SOQ due date. The Department will modify the SOQ due date if necessary to accommodate the minimum seven calendar day period.

1.14 NOTIFICATION OF FIRMS ON THE SHORT-LIST

Each Proposer will be notified in writing whether or not it has been selected for the Short-List. Notifications by the Department are expected not later than the date specified in Section 2.1.

1.15 COSTS

Proposers are solely responsible for all costs and expenses of any nature associated with responding to this RFQ, including attending briefing(s) and providing supplemental information.

1.16 ORGANIZATIONAL AND CONFIDENTIALITY REQUIREMENTS

- A) **Completion Capability:** Only prospective Proposers that are capable of completing this Project in its entirety will be eligible for the Short-List.
- B) **Organizational and Personnel Changes:** Proposers are advised that, in order for a Proposer to remain qualified to submit a Proposal after they have been placed on the Short-List, their organization, including all Major Participants and Key Personnel identified in the SOQ, must remain intact for the duration of the procurement process. The Major Participants and Key Personnel must remain intact for the duration of the Contract, unless officially approved by the Department.

A Proposer can propose substitutions for Major Participants or Key Personnel; however, such changes will require prior written approval by the Department, which approval may be granted or withheld at the Department's sole discretion. Requests for changes prior to the Proposal submittal must be made in writing no later than fourteen (14) calendar days prior to the due date for submittal of Proposals.

Requests for changes in any of the Major Participants will be thoroughly scrutinized. The Proposer must carefully consider the make-up of its team prior to submittal of the SOQ to reduce the likelihood of any such changes during the proposal period and thereafter throughout the term of the Contract.

- C) **Minimum Requirements:** The Proposer must meet all pass/fail requirements in Section 4.4.1 and not fall within any of the limiting categories specified in Subsection 6.1(M).
- D) **Non-Disclosure Requirement:** The Department may give the Proposers access to records, which are confidential under State laws, solely for the purpose of performing the required services under the Contract. The Proposer is required to sign a non-disclosure statement prior to its receipt of such documents obligating each employee, agent, or subcontractor of the Proposer not to make inappropriate use of or improperly disclose any of the contents of such documents.
- E) **Records Exempt from Disclosure:** The Department will rely on Section 9-340D, Idaho Code to assert disclosure exemption for all records related to this procurement, including, but not limited to, SOQs, evaluation and Short-List procedures, Proposals, evaluation and selection procedures, and any records created during the evaluation and selection process. These records will remain protected records until the Contract has been awarded.
- F) **Public Information:** All records (excluding records from unsuccessful Proposers who decline the Stipend) pertaining to this procurement will become public information after execution of the Contract, unless such records are determined to be protected by 9-340D, Idaho Code or by any other provision of Idaho law. If a Proposer declines the Stipend, all records will be returned to the Proposer or destroyed upon the Proposer's request in writing.

1.17 PROPOSAL STIPEND

The Department will provide a Stipend in the amount of \$13,200 for each Proposer not chosen as the successful contracting Proposer per the terms of the Stipend Agreement provided in Appendix C, which is for reference only.

2.0 PROCUREMENT PROCESS

The process for procurement of the Contract will be in accordance with laws and rules of the State of Idaho using the Best Value Selection process. The intent of the Department is to award the Contract to the Proposer that provides the Proposal with the best combination of price and technical quality.

The procurement process will include two steps:

- A) RFQ (determination of Short-List); and
- B) RFP (selection of Design-Build Firm from Proposers on Short-List that submitted responsive Proposals).

This RFQ is issued as the first step to solicit information, in the form of Statement of Qualifications (SOQ), that the Department will evaluate to determine which Proposers are the most highly qualified to

successfully deliver the Project. The Department will short-list at least three (if any) but not more than five most highly qualified Proposers that submit SOQs.

In the second step, the Department will issue an RFP for the Project to the short-listed Proposers. The Department will award a design-build contract for the Project to the Proposer offering the best value, to be determined as described in the RFP. The Department, at its sole discretion, reserves the right, among others, to suspend, modify, or terminate this procurement at any time.

In determining the Short-List and best-value Proposal, the Department will consider information submitted in the SOQs and Proposals and information that is otherwise available to the Department.

The selection of the Design-Build Firm for the Contract will be based on both pass/fail factors and a combined evaluation of technical and price factors as submitted by the Proposers.

2.1 PROCUREMENT SCHEDULE

The following represents the current schedule for the Project. The schedule is subject to change at the discretion of the Department. Times are prevailing (Daylight/Standard) Mountain Time.

Activity	Time	Date
Issue RFQ		Thursday, 3/15/12
Pre-SOQ Informational Meeting	11:00 AM	Thursday, 3/22/12
Final date for receipt of Proposer's questions	2:00 PM	Thursday, 3/29/12
Issue final addendum and/or answers to questions	4:00 PM	Thursday, 4/5/12
SOQ due date	4:00 PM	Thursday, 4/12/12
Short-List announced (anticipated)		5/1/12
Issue Draft RFP (anticipated)		5/3/12
Issue Final RFP (anticipated)		5/24/12
Proposal due date (anticipated)		7/5/12
Notice of Intent to Award (anticipated)		8/7/12
Contract Award (anticipated)		9/21/12

3.0 EVALUATION PROCESS FOR THE SOQ

3.1 EVALUATION OBJECTIVES

The objective of the RFQ step of the procurement is to create a Short-List of the most highly qualified Proposers with the general capability (technical, financial, and management) and experience necessary to successfully undertake and complete the Work. The Design-Build Firm will have primary responsibility to plan, design, manage, and control the Project and to complete the Project on or ahead of schedule. Specific objectives relating to each of the evaluation factors listed in Section 3.3 are included in Subsection 4.4.2 of this RFQ.

3.2 REVIEW AND EVALUATION OF THE SOQ

The information submitted in accordance with Section 4.0 and Appendix B (Format and Organization of Statement of Qualifications) will be evaluated in accordance with both the pass/fail factors listed in Subsection 3.3.1 and the scored factors provided in Subsection 3.3.2.

3.3 EVALUATION FACTORS FOR THE SOQ

This section lists the evaluation factors for the RFQ phase of the procurement. See Section 4.4 for the content requirements of the SOQ in response to these evaluation factors.

3.3.1 Pass/Fail Evaluation Factors

The SOQ pass/fail evaluation factors are:

- A) **Cover Letter;**
- B) **Legal;**
- C) **Financial; and**
- D) **Other.**

If a Proposer passes all of the pass/fail evaluation factors, its SOQ will be further evaluated using the scored evaluation factors in Subsection 3.3.2. If a SOQ fails any single pass/fail requirement, it will be declared non-responsive, the evaluation factors will not be rated, and the Proposer will not be eligible for the Short-List. The Department may allow certain deficiencies in the SOQs relating to the above factors to be corrected through clarifications, as described in Section 3.4, but the Department has no obligation to do so.

3.3.2 Scored Evaluation Factors

The SOQ scored evaluation factors are:

- A) **Organization and Key Personnel;**
- B) **Experience of the Firms;**
- C) **Past Performance and Safety Program; and**
- D) **Project Understanding and Approach.**

SOQs will be evaluated and scored. Each evaluation factor will be assigned a corresponding percentage by independent Evaluation Committee members. This percentage will be multiplied by the pre-determined maximum points available for each factor to determine the evaluator's score for the factor. Any SOQ that receives a rating of *Unacceptable* in one or more evaluation factors will receive an overall SOQ rating of *Unacceptable*.

Percentage Range Applied to Evaluation Factors	Rating Criteria for Percentage Range
"Excellent" 91-100	<ul style="list-style-type: none">• Proposal greatly exceeds the specified RFQ requirements, and offers significant advantages over the basic RFQ requirements.• Demonstrates unique or innovative methods of the Proposer's approach to the Project, and significantly exceeds the RFQ requirements and objectives.• This rating indicates an outstanding level of quality, with very high probability of success by the Proposer.• There are essentially no weaknesses or deficiencies.
"Very Good" 76-90	<ul style="list-style-type: none">• Proposal meets all specified RFQ requirements, and offers some advantages over the basic RFQ requirements.• Demonstrates unique or innovative methods of the Proposer's

	<p>approach to the project, or strong understanding of the requirements.</p> <ul style="list-style-type: none">• This rating indicates a substantial level of quality, with high probability of success by the Proposer.• Weaknesses or deficiencies, if any, are minor.
<p>“Acceptable” 61-75</p>	<ul style="list-style-type: none">• Proposal meets the minimum specified RFQ requirements, but does not offer any advantages over the basic RFQ requirements.• Demonstrates an average understanding of the Proposer’s approach or understanding.• This rating indicates an acceptable level of quality, with reasonable probability of success by the Proposer.• Weaknesses or deficiencies exist but may be corrected.
<p>“Unacceptable” Proposal is considered non-responsive</p>	<ul style="list-style-type: none">• Proposal does not meet the minimum specified RFQ requirements, lacks essential information and/or is conflicting.• This rating indicates an unacceptable level of quality.• Deficiencies in the proposal are of such magnitude that it would require a new approach or a major effort to rewrite.• Weaknesses or deficiencies are extensive and are not correctable.

3.4 REQUESTS FOR CLARIFICATION

The Proposer will provide accurate and complete information to the Department. If information is not complete, the Department will either declare the SOQ non-responsive or notify the Proposer, who the Department may allow to participate further in the procurement if all information required is provided within the timeframe established by the Department. Any insufficient statements or incomplete affidavits will be returned directly to the Proposer by the Department with notations of the insufficiencies or omissions and may include a request for clarifications and/or submittal of corrected, supplemental, or missing documents. If a response is not provided, the SOQ may be declared non-responsive by the Department.

The Department may waive minor oversights or errors in the form of the SOQ of the Proposers that do not alter the quality or quantity of the information provided.

The Department may, at its sole discretion, request clarifications and/or supplemental information from Proposers during the SOQ evaluation and Short-List process.

All Proposer requests and responses must be in writing submitted by email and/or by certified mail or courier. Proposer responses must be limited to answering the specific information requested by the Department.

Proposer’s responses must be submitted to the Department’s designated point of contact in Section 1.9 within three business days of receipt of the request from the Department except as otherwise specified in writing by the Department. Submit all responses as specified in the Department’s request.

The Department does not anticipate conducting interviews during the RFQ phase, but reserves the right to do so. If the Department elects to conduct interviews, the Proposers will be notified in writing.

3.5 DETERMINATION OF THE SHORT-LIST

The Department’s goal is to establish a Short-List of three (3) Proposers. If only a single Design-Build Firm responds to the RFQ or remains on the Short-List, the Department may issue a new RFQ or cancel the solicitation. To the full extent protected from disclosure by Idaho Code § 9-340D, the information

contained in the Statement of Qualifications will not be disclosed to the public or any Proposer until after the Short-List is announced.

3.6 CHALLENGE

The Department's decision on the Short-List and the subsequent award of the Contract is final except as provided in Section 5.0. Parties participating in the RFQ phase of this procurement have accepted this condition and the other requirements of this RFQ.

4.0 SOQ SUBMITTAL REQUIREMENTS

4.1 DATE AND TIME OF RECEIPT

All SOQs must be received no later than 4:00 p.m. prevailing (Daylight/Standard) Mountain Time on the day specified in Section 2.1.

The SOQs must be clearly identified and marked "Confidential" and be enclosed in a sealed envelope or other appropriate enclosure. Late submittals will not be considered and will be returned unopened to the address indicated on the cover of the package.

4.2 SUBMITTAL ADDRESS

SOQs shall be submitted to the Department's designated point of contact (Section 1.9). It is the Proposer's sole responsibility to ensure delivery of its SOQ to the Department at the time and place specified herein, and the Department has no liability or responsibility therefore.

4.3 PAGE LIMIT, FORMAT AND QUANTITIES

The page limit, format, and organization of SOQs are described in Appendix B (Format and Organization of Statement of Qualifications).

4.4 CONTENT OF SOQ

This section describes the specific information that must be included in the SOQ. Required forms for the SOQ are contained in Appendix C. Any material modification to the forms may result in the SOQ being declared non-responsive by the Department. Lengthy narratives containing extraneous information are discouraged.

If the Proposer submits information in its SOQ that it believes to be protected records under Idaho law and that it wishes to protect from disclosure, the Proposer must do the following:

- A) Clearly mark all financial information, trade secrets, or other information customarily regarded as confidential trade secret information as such in its SOQ at the time the SOQ is submitted and include a cover sheet identifying each section and page which has been so marked. It is recommended that such information be marked "Confidential Trade Secret Information".
- B) Include a statement with its SOQ justifying the Proposer's determination that certain records are protected for each record so defined.
- C) Defend any action seeking release of the records it believes to be protected and indemnify, defend, and hold harmless the State, its agents, and its employees from any judgments awarded against the State in favor of the party requesting the records, including any and all costs connected with that defense. This indemnification survives the State's cancellation or termination of this procurement or award and subsequent

execution of a Contract. In submitting an SOQ, the Proposer agrees that this indemnification survives as long as the protected records are in possession of the State.

In providing a SOQ, Proposers should be guided by the project goals in Section 1.2, the objectives and submittal requirements listed in Sections 4.4.1 and 4.4.2, in conjunction with the information provided in Appendix A (Project Description, Design-Build Firm Responsibilities, and Project Status). An objective is stated for each evaluation factor to provide Proposers with the expectations of the Department. The requirements for each evaluation factor and the information to be submitted are listed and described in detail. The Department's ratings will be based on how well the SOQ responds to the requirements and meets or exceeds the objectives for each of the evaluation factors. Maximum points available for each scored evaluation criteria are stated in Appendix B (Format and Organization of Statement of Qualifications).

4.4.1 Pass/Fail Evaluation Objectives and Submittal Requirements

4.4.1.1 Cover Letter

A) Objective:

- 1) To introduce the Proposer and their SOQ to the Department.

B) Requirements and information to be provided in Section 1 of the SOQ:

- 1) Cover Letter

The Proposer must provide a cover letter indicating its desire to be considered for the project and stating the official names and roles of all Major Participants. The Proposer must commit to provide financial, personnel and equipment resources to complete the Work.

Authorized representatives of the Proposer's organization must sign the letter. If the Proposer is not yet a legal entity or is a joint venture or general partnership, authorized representatives of all Major Participants must sign the letter.

4.4.1.2 Legal

A) Objective:

- 1) To confirm that the Proposer is or will be legally constituted and able to submit Proposals and enter into the Contract and complete the Work, and that the members of Proposer's team either have, or commit to obtain, all required licenses.

B) Requirements and information to be provided in Section 2 of the SOQ:

- 1) Form O, Proposer's Organization Information (Appendix C), for the Proposer's organization; and

C) If the Proposer is a joint venture, limited liability company, or partnership, provide:

- 1) Identity of the Major Participant representative of the entity, if any (Form O);
- 2) Percent equity share held by each Major Participant (Lead Participant column of Form O); and
- 3) An express statement signed by each Major Participant who is an equity member of an entity setting forth the agreement to be jointly and severally liable for the Proposer's obligations under the Proposal.

- D) Requirements and information to be provided in Appendix A to the SOQ:
- 1) Submit notarized power of attorney for each Major Participant authorizing the Major Participant's representative to sign for that Major Participant;
 - 2) Submit notarized power of attorney from each Major Participant authorizing the Proposer's representative to sign documents for and on behalf of the Proposer's organization;
 - 3) If the Proposer has already been legally constituted, provide full details of the organizational structure and supporting organization/formation documents including a copy, as applicable, of the joint venture agreement, limited liability company operating agreement, or partnership agreement; and
 - 4) If the Proposer has not yet been legally formed, provide a brief description of the proposed legal structure and draft copies of the underlying documents, including:
 - a) All significant terms of the joint venture, limited liability company, or partnership, including the rules relative to the administration of the joint venture, limited liability company, or partnership, including dealing with deadlock situations;
 - b) Description of how the joint venture, limited liability company, or partnership will operate administratively and technically; and
 - c) A teaming agreement or comparable document setting forth the agreement to form the organization.
 - 5) The provisions of part 1 through 4 do not apply to the lead designer if the lead designer is a subcontractor.

4.4.1.3 Financial

- A) Objective:
- 1) To identify Proposers with demonstrated capability to undertake the financial responsibilities associated with the Project, including bonding and guaranties.
- B) Requirements and information to be provided in Section 3 of the SOQ:
- 1) Surety Letter(s):
 - a) Provide a letter from a Surety or insurance company indicating that the Proposer is capable of obtaining the required Proposal security, and performance and payment bonds in the Contract Amount if awarded the Contract. The Contract amount is not anticipated to exceed \$12,000,000.
 - b) The surety or insurance company submitting such letter must be authorized to do business in Idaho at the time of award. The surety or insurance company submitting such surety letter must meet the following additional qualifications:
 - i) Have at least a strength rating of A- and a VII financial strength capacity or better by A.M. Best Company; and
 - ii) Be listed on Treasury Department Circular 570.
 - c) The letter must specifically state that the surety/insurance company has evaluated the Proposer's backlog and work-in-progress in determining

the Proposer's available bonding capacity. The letter must indicate that the bonding is available for the contract amount listed above. Letters indicating "unlimited" bonding/security capability are not acceptable.

The letter of surety shall clearly state the rating categorization noted above and reference the estimated contract value as identified in above, in a manner similar to the notation provided below:

"as surety for [Design-Build Firm name] with A.M. Best Financial Strength Rating [rating] and Financial Size Category [Size Category] is capable of obtaining 100% Performance Bond and 100% Labor and Materials Payment Bond in the amount of the anticipated cost of construction, and said bonds will cover the Project and any warranty periods as provided for in the Contract Documents on behalf of the Design-Build Firm, in the event that such firm be the successful bidder and enter into a contract for this Project"

4.4.1.4 Other

A) Objective:

- 1) To confirm that required forms are included and are complete.

B) Requirements and information to be provided in Section 1 of the SOQ:

- 1) Acknowledgement of Receipt

Proposer must complete and submit the Acknowledgment of Receipt, Form A (Appendix C), acknowledging receipt of the RFQ and any Addenda and/or responses to questions issued by the Department.

- 2) Conflict of Interest Disclosure

Proposer must review the Conflict of Interest Guidelines (Appendix C) and terms set forth in Section 1.10, and complete and submit Proposer Conflict of Interest Disclosure, Form C (Appendix C).

4.4.2 Scored Evaluation Objectives and Submittal Requirements

4.4.2.1 Organization and Key Personnel

A) Objective:

- 1) To identify Proposers that will effectively manage all aspects of the Contract in a quality, timely, and effective manner with sensitivity to environmental compliance, and will integrate the different parts of its organization collectively and with the Department in a cohesive and seamless manner.
- 2) To identify the best personnel for key management positions with demonstrated experience and expertise in and a record of producing quality work on projects of a similar nature to this Project..

- B) Requirements and information to be submitted in Section 4 of the SOQ:
- 1) Organization and availability of resource of the Proposer and its Major Participants and its Key Personnel. This information can be submitted in an organization chart no larger than an 11 inch by 17 inch sheet, if necessary.
 - 2) Using Form K, Proposed Key Personnel (Appendix C), provide requested information on Key Personnel. If more than one key position is filled by the same person, so indicate. Indicate the name, position, company or agency, and current phone and email for each reference. References must be owners or clients for whom the Key Personnel have performed project work for and must not be current or past employers of the Key Personnel. Key Personnel are preferred to have experience on projects of a similar size, type of work, and complexity as this Project and must meet the following qualifications:
 - a) **Project Manager:** Must have a minimum of five years demonstrated experience in construction and management of construction on highway projects with similar size, type of work, and complexity as this Project, including projects with funding limitations, compressed timelines, and community information requirements. Must also have experience with Project Controls such as managing scope, schedule and budget.
 - b) **Design Manager:** Must have a minimum of five years demonstrated experience in managing design of highway projects with similar scope and complexity as this Project, and be an a licensed professional engineer, or able to obtain registration as an Idaho-registered professional engineer by the Proposal submittal. Experience must also include quality assurance/quality control activities.
 - c) **Construction Manager:** Must have a minimum of five years demonstrated experience in managing construction of highway projects with similar type and complexity of this Project. Experience must include quality assurance/quality control activities, environmental compliance, and maintenance of traffic.
 - d) **Utilities Coordination Manager:** Must have demonstrated experience in utility and irrigation facility coordination on projects of similar type and complexity. Must have experience in coordination with third-parties, understanding their design process and standards, and successfully implementing their associated agreements. This position can be one of the Key Personnel listed above in (a), (b), or (c).
 - 3) Submit resumes outlining Key Personnel experience and qualifications. Maximum length of resumes is two pages and must highlight the following information:
 - a) Proposed role on the project and experience in the area of responsibility;
 - b) History of employment with firm;
 - c) Experience in the management, design, and/or construction of projects;
 - d) Project role, if any, in projects included in firm experience; and
 - e) Education and Professional Registration (if required).

4.4.2.2 Experience of the Firms

- A) Objective:
- 1) To identify the best qualified Proposers based on demonstrated experience, expertise, and record of producing quality work on projects similar in nature to the Project;
 - 2) To identify Proposers that have:
 - a) Experience in successfully managing, designing, and constructing projects of the size and complexity of this project;
 - b) Superior records of completing Contracts on time and within budget;
 - c) Experience in successfully completing heavy highway construction, managing the maintenance of traffic, roadway design, structures design, environmental permitting process, utility and irrigation coordination, and public involvement aspects of projects of the size and complexity of this Project;
 - d) Records of managing Contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration;
 - e) Good safety records; and
 - f) Technical and management experience and expertise to plan, organize, execute the design and construction of, and assure the quality and safety of the Project.
 - 3) To identify Proposers that will effectively manage all aspects of the Contract in a quality, timely, and effective manner and will integrate the different parts of its organization with the Department in a cohesive and seamless manner; and
 - 4) To identify Proposers that have the technical and management experience to plan, organize, execute the design and construction of, and assure the quality and safety of, the Project.
- B) Requirements and information to be submitted in Section 5 of the SOQ:
- 1) Using Form E, Project Experience (Appendix C), show the firm's experience by highlighting experience relevant to the Project. Describe those projects having a scope comparable to that anticipated for the Project.

4.4.2.3 Past Performance

- A) Objective:
- 1) To select Proposers and Major Participants that have a history of project delivery successes or problems that could positively or adversely impact the project generally;
 - 2) To identify Proposers with a record of safety and a commitment to safety that reflects the representations made in the SOQ; and
 - 3) To identify Proposers with a record of meeting environmental compliance requirements.
- B) Requirements and information to be submitted in Section 6 of the SOQ:

- 1) Using Form P, Past Performance (Appendix C), provide the information requested in the bulleted subparagraphs (a–e) below for Major Participants. If a Proposer has no record of relevant past performance or if the information relative to a category is not available, enter a declarative statement to that effect on Form P. If the record of relevant past performance does not exist and/or is not available, the Proposer will receive a rating of *Acceptable* for this factor. Attach additional sheets to Form P as necessary. With respect to the information solicited in this subsection, failure to provide this information, conditional or qualified submissions to requests or questions posed (i.e., “to our knowledge,” “to the extent of available information,” “such information is not readily available,” “such information is not maintained in the manner requested,” etc.), incomplete or inaccurate submissions, or nonresponsive submissions will lower the rating for this factor or result in a deficiency that would cause the Department to declare the SOQ nonresponsive.
 - a) Awards, Citations, and/or Commendations: List awards, citations, and/or commendations for performance relevant to this Project received by any Major Participant. Describe the work for which the awards, citations, and/or commendations were received.
 - b) Timely Completion: Provide a list of comparable projects that have been completed on time. Provide the owner’s name and the name of its current representative who can be contacted for additional information.
 - c) Successful Issue Resolution: Provide a list of comparable projects that have demonstrated successful issue resolution. Provide the owner’s name and the name of its current representative who can be contacted for additional information.
 - d) Termination for Cause or Default: Describe the conditions surrounding any Contract (or portion thereof) entered into by any Major Participant over the past five years that has been terminated for cause or default, or which required completion by another party. Describe the reasons for termination and the amounts involved.
 - e) Disciplinary Action: Indicate any disciplinary action taken against any Major Participant within the past five years by any governmental agency or licensing board, including both the suspension from the right to propose or bid and the removal from any proposer/bid list.
- 2) Regarding safety, submit Form S, Safety Questionnaire (Appendix C), for each Major Participant.

4.4.2.4 Project Understanding and Approach

A) Objective:

- 1) To identify those Proposers demonstrating an understanding of and approach to the management, technical aspects, issues and risks associated with the Project; and
- 2) To identify those Proposers demonstrating an understanding of and approach to how the design-build process and the Proposer’s organization will contribute to the success of the Project and meeting the Department’s Project goals and understanding of the risk sharing and the teaming relationship between the Design-Build Firm and the Department.

- 3) To identify those Proposers who understand how to implement the design-build process to meet the Department's Project goals, share risk, and team effectively with the Department.
- B) Requirements and information to be submitted in Section 7 of the SOQ:
- 1) List and briefly describe the significant issues and risks facing the selected Proposer and/or the Department and how the Proposer plans to manage these risks; and
 - 2) Cite examples of past relevant experience on similar projects as it applies to this Project; and
 - 3) Briefly describe how the Proposer will use its organization, material sources and the design-build process to ensure a successful Project, considering the Department's Project goals listed in Section 1.2.

5.0 PROTESTS

Design-Build Firms that submit qualifications and that do not qualify for the Short-List generated by the Department may challenge the Department's determination in accordance with the procedures outlined in Idaho Code § 40-902(5). A challenge must be filed with the Department within seven (7) calendar days of the date the Department transmitted the SOQ evaluation results.

6.0 DEPARTMENT RIGHTS AND DISCLAIMERS

6.1 DEPARTMENT RIGHTS

The Department may investigate the qualifications of any Proposer under consideration, may require confirmation of information furnished by a Proposer, and may require additional evidence of qualifications to perform the Work described in this RFQ. The Department reserves the right, in its sole and absolute discretion, to:

- A) Reject any or all SOQs.
- B) Issue a new RFQ.
- C) Cancel, modify, or withdraw the RFQ.
- D) Issue addenda, supplements and modifications to this RFQ.
- E) Modify the RFQ process (with appropriate notice to Proposers).
- F) Appoint an evaluation committee and a selection committee to review SOQs and seek the assistance of outside technical experts in the SOQ evaluation.
- G) Approve or disapprove changes and/or substitutions in SOQ teams and Key Personnel.
- H) Revise and modify, at any time before the SOQ due date, the factors it will consider in evaluating SOQs and to otherwise revise or expand its evaluation methodology. If such revisions or modifications are made, the Department will issue an addendum to all Proposers who submitted Form Z setting forth the changes to the evaluation criteria or methodology. The Department may extend the SOQ due date if such changes are deemed by the Department, in its sole discretion, to be material and substantive.
- I) Hold meetings and exchange correspondence with the Proposers responding to this SOQ to seek an improved understanding and evaluation of the SOQs. If individual Proposer informational meetings are held, all Proposers submitting a responsive SOQ will be given an opportunity to participate in such meetings.

- J) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the SOQs.
- K) Waive weaknesses, informalities, and minor irregularities in SOQs.
- L) Disqualify any team that changes its SOQ without Department written approval.
- M) Refuse to accept or open an SOQ, once submitted, or reject an SOQ if such refusal or rejection is based on, but not limited to, the following:
 - 1) Default on the part of a Major Participant under previous contracts with the Department (or State);
 - 2) Issuance of a notice of debarment or suspension to the Proposer and/or a Major Participant;
 - 3) Submittal by the Proposer of more than one SOQ for the same Work under the Proposer's own name or under a different name;
 - 4) Existence of an organizational conflict of interest or evidence of collusion in the preparation of an SOQ, proposal, or bid for any Department design or construction project by (a) the Proposer or Major Participant and (b) other Proposers or bidders for that project; and/or
 - 5) Default on a Contract in another jurisdiction for which the Proposer or a Major Participant is responsible.

The RFQ does not commit the Department to enter into a Contract, nor does it obligate the Department to pay for any costs incurred in preparation and submission of the SOQs or in anticipation of a Contract. By submitting an SOQ, a Proposer disclaims any right to be paid for such costs.

The execution and performance of a Contract pursuant to this RFQ and any subsequent RFP is contingent on sufficient appropriations and authorizations being made by the Legislature of Idaho, or the Congress of the United States, if federal funds are involved, for performance of a Contract between the successful Proposer and the Department.

In no event will the Department be bound by, or liable for, any obligations with respect to the Work or the Project until such time (if at all) as the Contract, in form and substance satisfactory to the Department, has been executed and authorized by the Department and approved by all required parties, and then only to the extent set forth therein.

6.2 DEPARTMENT DISCLAIMERS

In issuing this RFQ and undertaking the procurement process contemplated hereby, the Department specifically disclaims the following:

- A) Any obligation to award or execute a Contract pursuant to this RFQ or the RFP; and
- B) Subject to Section 1.15, any obligation to reimburse a Proposer for any costs it incurs under this procurement.

In submitting an SOQ in response to this RFQ, the Proposer is specifically acknowledging these disclaimers.

7.0 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY

7.1 POLICY

The Department will not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation–assisted contract or in the administration of 49 CFR Part 26. The Proposers must take necessary and reasonable steps to ensure that businesses owned and controlled by socially and economically disadvantaged individuals are provided with a fair opportunity to participate in this Project.

7.2 DBE PARTICIPATION GOAL

The Department has no (0%) DBE Goal assigned to this Project.

7.3 EQUAL EMPLOYMENT OPPORTUNITY

In connection with this RFQ and the Contract, Proposers will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, marital status, or being physically challenged. Proposers must take affirmative action to ensure that all applicants are treated during employment without regard to their race, color, religion, sex, national origin, age, marital status, or being physically challenged. Such action includes, but not be limited to, the following: layoff or termination; rates of pay or other forms of compensation; employment; job assignment; upgrading; demotion; transfer recruitment/recruitment advertising; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training.

Equal Opportunity Training Hours have been set at zero (0) hours for the Project.

8.0 COMPLIANCE WITH APPLICABLE LAWS

Proposers must comply with all applicable laws in all aspects in connection with the procurement process of this Project and the performance of the Contract.